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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY BAKER

Appeal 2009-0356
Application 10/648,048
Technology Center 3700

Decided:¹ February 18, 2009

Before TERRY J. OWENS, JENNIFER D. BAHR, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the Decided Date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

The Appellant appeals appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-4 and 6-10. Claims 5, 11 and 13 stand allowable and claims 12 and 14 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

The Invention

The Appellant claims a right angle attachment for a power hand tool. Claim 1 is illustrative:

1. A right angle attachment for a power hand tool of the type which has an elongated generally cylindrical housing containing a motor having a motor output shaft extending from a nose end thereof, the housing having a generally cylindrical nose end portion that is concentric with said motor output shaft, said nose end portion providing a structure on which said attachment can be mounted, said attachment comprising:

a housing having a mounting end and a distal end, with the mounting end having a cylindrical opening sized to snugly fit on the nose end portion of the tool housing;

said housing having an input shaft journaled in bushings and having an engaging recess at one end portion for engaging a drive shaft that is driven by the motor output shaft, and an attached gear at the opposite end;

said housing having an output shaft journaled in bushings, said output shaft being configured to rotate a tool attached to said distal end, and having a gear attached to its opposite end portion;

said input shaft gear engaging said output shaft gear at a generally 90 degree angle so that said motor output shaft drives said accessory output shaft;

a magnet mounted on said output shaft and an electrical circuit mounted in said attachment housing adjacent said magnet for producing power, said circuit including at least one light producing device;

Appeal 2009-0356
Application 10/648,048

a lens in said housing adjacent said light producing device for admitting light to the exterior of said housing toward a tool attached to said distal end.

The References

Rubly	2,607,092	Aug. 19, 1952
Maier	2,900,856	Aug. 25, 1959
Dukess	4,334,522	Jun. 15, 1982
Anderson	5,982,059	Nov. 9, 1999
Kopras	6,048,260	Apr. 11, 2000
Wu	6,481,130 B1	Nov. 19, 2002

The Rejections

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1-4 and 8-10 over Maier in view of Anderson; claims 1-4, 8 and 9 over Kopras in view of Anderson; claim 6 over Maier in view of Anderson, Wu and Dukess; claim 6 over Maier in view of Kopras, Wu and Dukess; claim 7 over Maier in view of Anderson and Rubly; and claim 7 over Maier in view of Kopras and Rubly.

OPINION

We affirm the Examiner's rejections.

*Rejection of claims 1-4 and 8-10
over Maier in view of Anderson*

The Appellant argues only claim 1, which is the sole independent claim (Br. 8-12). We therefore limit our discussion to that claim. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2008).

Issue

Has the Appellant shown reversible error in the Examiner's determination that the applied references would have rendered *prima facie* obvious, to one of ordinary skill in the art: 1) an attachment for a power hand tool, 2) a housing for the attachment, the housing having therein a lens for admitting light to the exterior of the housing toward a power hand tool attached to the housing's distal end, 3) a housing cylindrical opening sized to fit snugly on the nose end of a power hand tool's housing, and 4) an input shaft within the attachment's housing, the input shaft being journaled in bushings, and having at one end an engaging recess for engaging a drive shaft driven by a motor output shaft, and having at the opposite end an attached gear?

Findings of Fact

Maier discloses a power operated wrench comprising an air motor (37) and, as shown in Figure 1, a right angle wrench which, as indicated by the threads on the right side of air motor 37, screws snugly onto the air motor (col. 1, ll. 15-16; col. 2, l. 23). As shown in Figure 1, air motor 37 has a generally cylindrical housing, and the wrench has a housing (12) with a generally cylindrical nose end portion on its left side that is concentric with a motor output shaft (output spindle 38) (col. 2, ll. 23-24). Wrench housing 12 contains an input shaft (10) having an engaging recess (slot 40) at its left end for engaging a drive shaft (extending tang 39) driven by the motor output shaft (output spindle 38) and having an attached gear (17) at its opposite end (col. 1, ll. 70-71; col. 2, ll. 24-26; Fig. 1). Wrench housing 12 has an output shaft (11) that is rotatably disposed by means of ball bearing unit 15 and bearing sleeve 16 to rotate a tool attached

to its distal end, and has a gear (18) at its opposite end portion (col. 1, ll. 67-72). Input shaft gear 17 engages output shaft gear 18 at a generally 90 degree right angle (Figure 1).

Anderson discloses

a generator and lighting assembly which can be used in association with electric, hydraulic and pneumatic tools in order to provide focused light onto the immediate area surrounding the point at which work is being done or at which a tool is directed, wherein the lighting assembly is powered indirectly by the mechanical movement of the tool rather than by a separate external source of energy

(col. 1, ll. 46-52). “The assembly includes a rotor in the form of a permanent magnet affixed to a rotary output shaft of the tool, and a stator within which the rotor is received” (col. 2, ll. 1-4). “A lamp is connected to the ends of the winding so that the lamp is powered upon rotation of the rotor within the stator” (col. 2, ll. 8-10). “[B]ecause the assembly uses the rotation of the output shaft of the tool to generate the necessary electricity to power the lamp, it is not necessary to employ an external or secondary power source or a separate switch for the lamp” (col. 2, ll. 22-25).

Analysis

The Appellant argues that Maier discloses a power driven wrench, not an attachment (Br. 10-11).

Maier’s wrench (housing 12 and its contents) is attached to threads at an end of air motor 37, which is a power hand tool (Fig. 1). Hence, Maier’s wrench is an attachment for a power hand tool.

The Appellant argues that neither Maier nor Anderson teaches or suggests a lens for admitting light to the exterior of the attachment’s housing toward a tool attached to the attachment housing’s distal end (Br. 11). The

Appellant points out that Anderson mentions the word “lens”, and the Appellant argues that light is directed outwardly through cutouts 70 in Anderson’s face plate 60, not through a lens (Br. 11-12).

Anderson discloses “a retainer 62 for securing the face plate and lens in place” (col. 5, ll. 34-35). As indicated by Anderson’s Figures 1 and 2, the only reasonable position for a lens that is secured, along with face plate 60, by retainer 62 is at cutouts 70 aligned with lamps 54 (col. 5, ll. 53-54). Hence, Anderson would have led one of ordinary skill in the art, through no more than ordinary creativity, to place a lens at cutouts 70 whereat light exits the housing. *See KSR Int’l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (In making an obviousness determination one “can take account of the inferences and creative steps that a person of ordinary skill in the art would employ”).

The Appellant argues that neither Maier nor Anderson discloses or suggests an attachment housing having a mounting end with a generally cylindrical opening sized to snugly fit on the nose end portion of a tool housing (Br. 12).

Maier’s wrench (housing 12 and its contents) has a mounting end (left end in Figure 1) with a generally cylindrical opening that fits snugly on the threads at the right end of air motor 12 (Fig. 1).

The Appellant argues that neither Maier nor Anderson teaches or suggests a housing having an input shaft journaled in bushings and having an engaging recess at one end portion for engaging a drive shaft driven by a motor output shaft and an attached gear at the opposite end (Br. 12).

Maier’s input shaft 10 has an engaging recess (slot 40) at its left end in Figure 1 for engaging a drive shaft (extending tang 39) driven by a motor

output shaft (output spindle 38), and has an attached gear (17) at its opposite end (Fig. 1). The input shaft is not disclosed as being journaled in bushings. However, Maier's indication that the output shaft is journaled in bearing sleeve 16, which is illustrated as a bushing (compare bearing sleeve 16 with bearing 15 in Fig. 1), would have led one of ordinary skill in the art, through no more than ordinary creativity, to include such a device to perform a similar function at Maier's input shaft.² *See KSR*, 127 S. Ct. at 1741.

Conclusion of Law

The Appellant has not shown reversible error in the Examiner's determination that the applied references would have rendered *prima facie* obvious, to one of ordinary skill in the art: 1) an attachment for a power hand tool, 2) a housing for the attachment, the housing having therein a lens for admitting light to the exterior of the housing toward a power hand tool attached to the housing's distal end, 3) a housing cylindrical opening sized to fit snugly on the nose end of a power hand tool's housing, and 4) an input shaft within the attachment's housing, the input shaft being journaled in bushings and having at one end an engaging recess for engaging a drive shaft driven by a motor output shaft, and having at the opposite end an attached gear.

*Rejection of claims 1-4 and 8 and 9
over Kopras in view of Anderson*

The Appellant argues only claim 1, which is the sole independent claim (Br. 13). We therefore limit our discussion to that claim. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2008).

² The Appellant's original claim 1 recites that the input shaft is "journaled in bushings". However, the Specification states that "input shaft 30 is journaled in bearings" (Spec. 4:12).

Issue

Has the Appellant shown reversible error in the Examiner's determination that the applied references would have rendered *prima facie* obvious, to one of ordinary skill in the art, a right angle attachment for a power hand tool, wherein the attachment includes a housing having therein a lens for admitting light to the exterior of the housing toward a power hand tool attached to the housing's distal end?

Findings of Fact

Kopras discloses a right angle attachment (12) for a power hand tool (10), comprising a housing having a generally cylindrical first end (42) that is concentric with the tool's motor output shaft and fits snugly on the nose end portion of the tool's housing (col. 2, ll. 28-32; col. 6, ll. 29-42; col. 7, ll. 17-42; Fig. 1). The attachment includes an input shaft (first shaft 50) that is attachable to a motor output shaft at one end and has an attached gear (first gear 52) at the other end, and an output shaft (attachment shaft 54) that is configured to rotate a tool attached to its distal end and has a gear (56) attached to its opposite end portion (col. 7, l. 65 – col. 8, l. 12). The input shaft engages the output shaft at a generally 90 degree angle (Fig. 5).

Analysis

The Appellant argues that there is no motivation for combining Kopras and Anderson (Br. 13).

That motivation would have been to provide Kopras' right angle attachment with the benefit of Anderson's light directed to the immediate area surrounding the point at which work is being done or at which the right angle attachment is directed (col. 1, ll. 45-50).

The Appellant argues that “even assuming that Anderson could be properly combined with Kopras, Anderson does not supply the deficiencies of Kopras, particularly the lens element as claimed” (Br. 13).

The lens would have been rendered prima facie obvious to one of ordinary skill in the art by Anderson as discussed above with respect to the rejection over Maier in view of Anderson.

Conclusion of Law

The Appellant has not shown reversible error in the Examiner’s determination that the applied references would have rendered prima facie obvious, to one of ordinary skill in the art, a right angle attachment for a power hand tool, wherein the attachment includes a housing having therein a lens for admitting light to the exterior of the housing toward a power hand tool attached to the housing’s distal end.

*Rejections of claim 6 over Maier in view of
Anderson, Wu and Dukess, claim 6 over
Maier in view of Kopras, Wu and Dukess,
claim 7 over Maier in view of Anderson
and Rubly, and claim 7 over Maier
in view of Kopras and Rubly*

Although additional references are applied to dependent claims 6 and 7, the Appellant does not provide a substantive argument for the separate patentability of those claims (Br. 14-15). Hence, we are not persuaded of reversible error in the rejections of claims 6 and 7.

DECISION/ORDER

The rejections under 35 U.S.C. § 103 of claims 1-4 and 8-10 over Maier in view of Anderson, claims 1-4, 8 and 9 over Kopras in view of Anderson, claim 6 over Maier in view of Anderson, Wu and Dukess, claim 6 over Maier in view of Kopras, Wu and Dukess, claim 7 over Maier in view

Appeal 2009-0356
Application 10/648,048

of Anderson and Rubly, and claim 7 over Maier in view of Kopras and Rubly are affirmed.

It is ordered that the Examiner's decision is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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